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DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER TRAORE, FATOUMATA	
			ART UNIT 2136	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/808,273	<b>Applicant(s)</b> NODA ET AL.	
	<b>Examiner</b> FATOUMATA TRAORE	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-18 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-18 and 20-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/04/2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is in response to the amendment filed December 10th, 2007. claims 1, 5-10, 12, 13, 17, 20-22 have been amended; claims 11 and 19 have been cancelled; Claims 23-26 have been added; Claims 1-10, 12-18 and 20-25 are pending and have been considered below.

### ***Specification***

2. The objection to the specification has been withdrawn in view of applicant argument.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. The 101 rejection of claim 19 has been withdrawn in view of the cancellation of claim 19.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-10, 12-18 and 20-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 20, 23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Bae (US 2003/0145181).

**Claims 1 and 20:** Bae discloses a method and a computer readable medium for authenticating a recording medium, the method comprising the steps of:

Acquiring, from the recording medium, a first set of a first type of unique data that is recorded on an information track on the recording medium in accordance with a predetermined rule(Fig. 2, step s30); and

Acquiring, from the recording medium, a second set of the first type of unique data that is recorded on the recording medium in accordance with the predetermined rule(Fig. 2, step s40); and

Authenticating the recording medium based on a comparison of the first and second\_sets of unique data acquired in the data acquisition step (Fig. 2, steps s50, s60 and s70).

**Claims 23 and 24:** Bae discloses a method and a computer readable medium for authenticating a recording medium as in claims 1 and 20 above, and further discloses wherein the second set of unique data is recorded on the information track (fig 1).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-5 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bae (US 2003/0145181) in view of Bounsall et al (US 6,073,189).

***Claim 2:*** Bae discloses a method for authenticating a recording medium as in claim 1 above, but does not explicitly disclose wherein the predetermined rule assigns respective values to the first and second sets of unique data, each of the values is based on a respective one of a plurality of different types of recording methods and the respective one of the recording methods is used to record each of the first and second sets of unique data. However, Bounsall et al discloses a method for incremental recording, which further discloses wherein the predetermined rule assigns respective values to the first and second sets of unique data, each of the values is based on a respective one of a plurality of different types of recording methods and the respective one of the recording methods is used to record each of the first and second sets of unique data (column 1, lines 20-65). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to include a plurality of recording type. One would have been motivated to do so in order to allow writes and reads from an open CD-R disc, while reserving a track to be written

with a compatibility hierarchy for conventional CD- ROM file system when CD-R disc is closed (column 2, lines 28-35) as taught by Bounsall et al.

**Claim 3:** Bae and Bounsall et al disclose a method for authenticating a recording medium as in claim 2 above, and Bounsall et al further discloses that the plurality of types of recording methods comprises an uninterrupted (recording a track at once or TAO) recording method and an incremental recording method (packet recording) (column 1, lines 30-35). Therefore; it would have been obvious to one having ordinary skills in the art at the time the invention was made to identify the type of recording medium. One would have been motivated to do so in order to allow writes and reads from an open CD-R disc, while reserving a track to be written with a compatibility hierarchy for conventional CD- ROM file system when CD-R disc is closed (column 2, lines 28-35) as taught by Bounsall et al.

**Claim 4:** Bae and Bounsall et al disclose a method for authenticating a recording medium as in claim 3 above, and Bounsall et al further discloses that the uninterrupted recording method is a track at once recording method (TAO), and the incremental recording method is a packet write recording method (PR)) (column 1, lines 30-35). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to identify the uninterrupted recording as a track at one. One would have been motivated to do so in order to allow writes and reads from an open CD-R disc, while reserving a track to be written with a compatibility hierarchy for conventional CD- ROM file system when CD-R disc is closed (column 2, lines 28-35) as taught by Bounsall

et al.

**Claim 5:** Bae and Bounsall et al disclose a method for authenticating a recording medium as in claim 2 above, and Bounsall et al further discloses wherein the first set of unique data comprises information for identifying the type of recording method used to record the first and second sets of unique data (column 1, lines 35-53). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to identify the type of recording method. One would have been motivated to do so in order to allow writes and reads from an open CD-R disc, while reserving a track to be written with a compatibility hierarchy for conventional CD- ROM file system when CD-R disc is closed (column 2, lines 28-35) as taught by Bounsall et al.

**Claim 9:** Bae discloses a method and a computer readable medium for authenticating a recording medium as in claim 1 above, and further discloses:

Acquiring, from the recording medium, a first set of a second type of unique data that is recorded on another information track on the recording medium in accordance with the predetermined rule (Fig. 2, step s30);  
acquiring, from the recording medium, a second set of the second type of unique data that is recorded on the recording medium in accordance with the predetermined rule (Fig. 2, step s40); and  
Authenticating the recording medium based on a comparison of the first and second sets of the second type of unique data acquired in the data acquisition steps.

Wherein the first type of unique data comprises data that is recorded in one of multiple sessions, and the second type of unique data comprises data that is recorded in another one of the multiple sessions (Fig. 2, step s50, s60 and s70).

But does not explicitly disclose that the set of data is a second type of data.

However, Bounsall et al discloses a method for incremental recording, which further discloses that the set of data is a second type of data (column 1, lines 30-35). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made record a second type of data. One would have been motivated to do so in order to allow writes and reads from an open CD-R disc, while reserving a track to be written with a compatibility hierarchy for conventional CD- ROM file system when CD-R disc is closed (column 2, lines 28-35) as taught by Bounsall et al.

**Claim 10:** Bae discloses a method for authenticating a recording medium as in claim 1 above, but does not explicitly discloses wherein the first and second sets of unique data each comprises data that is recorded in a variable size packet. However, Bounsall et al discloses a method for incremental recording, which further discloses wherein the first and second sets of unique data each comprises data that is recorded in a variable size packet (column 1, lines 31-36). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to record data in variable packet. One would



have been motivated to do so in order to efficiently use the available storage capacity.

10. Claims 6--8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bae (US 2003/0145181) in view of Kawashima (US 6,917,574).

**Claim 6:** Bae discloses a method for authenticating a recording medium as in claim 1 above, but does not explicitly disclose wherein the second set of unique data comprises at least one of data in a track descriptor unit and data in a sub-code control. However, Kawashima discloses a data recording and reproducing method for linking data, which further discloses disclose wherein the second set of unique data comprises at least one of data in a track descriptor unit and data in a sub-code control (an area having an index of 00 will have Track Descriptor (TD) information) (column 7, lines 13-26) and data in a sub- code control (column 8, lines 30-55; Fig. 5; and Fig. 6). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to include a track descriptor and a sub-code control. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by Kawashima.

**Claim 7:** Bae discloses a method for authenticating a recording medium as in claim 1 above, and further discloses a step of acquiring from the recording medium, a third set of the first type of unique data comprising data within a runout portion of the information track (Fig. 2, step s40), and a step of

authenticating the recording medium based on a comparison of the third set of unique data with a predetermined value (Fig. 2, steps s50, s60 and s70), but does not explicitly disclose that the unique data comprises data within a runout. However, Kawashima discloses a data recording and reproducing method for linking data, which further discloses that the unique data comprises data within a runout(plurality or run-out block) (column 7, lines 33-67). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to include a runout block. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by Kawashima.

**Claim 8:** Bae discloses a method for authenticating a recording medium as in claim 1 above, but does not explicitly disclose wherein the first and second sets of unique data each comprises data recorded within a predetermined size packet. However, Kawashima discloses a data recording and reproducing method for linking data, which further discloses that the unique data comprises data within a predetermined packet (column 15, lines 43-63; column 18, lines 27-36). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to include the unique data in a predetermined packed. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by Kawashima.

11. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bae (US 2003/0145181) in view of Bounsall et al (US 6,073,189) in further view of Kawashima (US 6,917,574).

**Claim 12:** Bae and Bounsall et al disclose a method for authenticating a recording medium as in claim 10 above, while neither of them explicitly discloses wherein the recording medium has, in a first session, a second track as a dummy track not present in the ISO 9660 file system and wherein the information track comprises (a lead in area) and a (program memory area). However, Kawashima discloses a data recording and reproducing method for linking data, which further discloses wherein the recording medium has, in a first session, a second track as a dummy track not present in the ISO 9660 file system and wherein the information track comprises (a lead in area) and a (program memory area) (column 16, line 44 to column 7 line 6). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the combined teaching of Bae and Bounsall et al such as to include a plurality of session, a LIA and PMA. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by Kawashima. discloses wherein the recording medium has, in a first session, a second track as a dummy track not present in the ISO 9660 file system and wherein the information track comprises (a lead in area) and a (program memory area).

**Claim 13:** Bae, Bounsall et al and Kawashima disclose a method for

authenticating a recording medium as in claim 12 above, and Kawashima further discloses wherein the first set of unique data comprises track information an area having an index of 00 will have Track Descriptor (TD) information) (column 7, lines 13-26) and data in a sub-code control (column 8, lines 30-55; Fig. 5; and Fig. 6). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the combined teaching of Bae and Bounsall et al such as to include a track descriptor and a sub- code control. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by Kawashima.

**Claim 14:** Bae, Bounsall et al and Kawashima disclose a method for authenticating a recording medium as in claim 13 above, and Kawashima further discloses wherein the track information identifies a recording method of the track (column 7, lines 13-26). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the combined teaching of Bae and Bounsall et al such as to include a track descriptor. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by Kawashima.

**Claim 15:** Bae, Bounsall et al and Kawashima disclose a method for authenticating a recording medium as in claim 13 above, and Kawashima further discloses wherein the track information identifies a recording position of the track (column 3, lines 1-22). Therefore, it would have been obvious to one having

ordinary skills in the art at the time the invention was made to modify the combined teaching of Bae and Bounsall et al such as to identify recording position based on the track information. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by Kawashima.

**Claim 16:** Bae, Bounsall et al and Kawashima disclose a method for authenticating a recording medium as in claim 13 above, and Kawashima further wherein the recording medium records data in multiple sessions (column 3, lines 1-22). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the combined teaching of Bae and Bounsall et al such as to record data in multiple sessions. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by Kawashima.

**Claim 17:** Bae, Bounsall et al and Kawashima disclose a method for authenticating a recording medium as in claim 16 above, and Kawashima further , wherein the information track comprises a program memory area and a second track that is additionally recorded (column 6, line 44 to column 7, line 6).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the combined teaching of Bae and Bounsall et al such as to program area a track area. One would have been motivated to do so in order to adopt a convolution type cross coding method

(column 11, lines 39-60) as taught by Kawashima.

12. Claims 21, 22, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bae (US 2003/0145181) in view of Inokuchi et al (US 5,745,459).

**Claims 21 and 22:** Bae discloses a method and a computer readable medium for authenticating a recording medium, the method comprising the steps of:

Acquiring, from the recording medium, a first set of a first type of unique data that is recorded on an information track on the recording medium in accordance with a predetermined rule(Fig. 2, step s30); and

Acquiring, from the recording medium, a second set of the first type of unique data that is recorded on the recording medium in accordance with the predetermined rule(Fig. 2, step s40); and

Authenticating the recording medium based on a comparison of the first and second\_sets of unique data acquired in the data acquisition step (Fig. 2, steps s50, s60 and s70).

But does not explicitly disclose a memory storing a program and a processor configured to execute the program stored in the memory. However, Inokuchi et al discloses a computer readable medium and optical disk for managing recording, which further disclose; a memory storing a program ( column 4, lines 45-55; Fig 2); and a processor configured to execute the program stored in the memory(column 4, lines 45-55; Fig 2).

The motivation of doing so is to easily and securely access the data.

**Claims 25 and 26:** Bae and Inokuchi et al disclose a method and a computer readable medium for authenticating a recording medium as in claims 21 and 22 above, and Bae further discloses wherein the second set of unique data is recorded on the information track (Fig 1).

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bae (US 2003/0145181) in view of Bounsall et al (US 6,073,189) in further view of Kawashima (US 6,917,574) and Tsujii et al (US 7,027,717)

**Claim 18:** Bae, Bounsall et al and Kawashima disclose a method for authenticating a recording medium as in claim 13 above, while neither of them explicitly disclose wherein the unique data of the second track that is additionally recorded comprises a disk ID. However, Tsujii et al discloses a method of authenticating recording medium, which further discloses wherein the unique data of the second track that is additionally recorded comprises a disk ID (column 8, lines 39-58). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the combined teaching of Bae, Bounsall et al and Kawashima such as to record data in multiple sessions. One would have been motivated to do so in order to adopt a convolution type cross coding method (column 11, lines 39-60) as taught by Kawashima.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nassar G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft



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or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

FT

Monday March 3, 2008

/Nasser G Moazzami/  
Supervisory Patent Examiner, Art Unit 2136